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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,209	05/23/2000	Arnoldo Valenzuela	B0843-991160	4200
26379 7590 03/08/2007 DLA PIPER RUDNICK GRAY CARY US, LLP 2000 UNIVERSITY AVENUE E. PALO ALTO, CA 94303-2248			EXAMINER SHAHER, RICKY D	
			ART UNIT	PAPER NUMBER
			2872	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/577,209	<b>Applicant(s)</b> VALENZUELA ET AL.	
	<b>Examiner</b> Ricky D. Shafer	<b>Art Unit</b> 2872	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 31-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 and 37 is/are allowed.
- 6) ☒ Claim(s) 31-36 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/19/2006 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 31, 33-36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Korte in view of Pichel ('533) or Jochim ('469).

Korte discloses a method of manufacturing a telescope mirror comprising the steps of: (a) providing a mandrel defining the geometry of the telescope mirror, (b) depositing a reflective layer (silver or gold) on the mandrel surface, (c) electroforming a mirror body of at least nickel onto the reflective layer by an electrochemical process, (d) releasing the mirror body with the reflective layer from the mandrel (see Fig. 2), wherein the mirror body and reflective layer forms a self-supported telescope mirror due to the fact that the mirror has a thickness between 1 and 12 mm (see page 1443, column 1, lines 16-18), and wherein the mandrel obviously remains unchanged due to the fact that the mandrel can be reusable after each replication cycle (see page 1442, column 2, lines 18-21 and page 1443, column 2, lines 14-15) as well as employing the same materials as applicant, note page 1442, column 1, line 52 to page

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1443, column 2, line 26, expect for explicitly stating that the electroforming process and the release process are controlled such that the building up of internal mechanical tension within the mirror body is suppressed.

Pichel and Jochim each teach it is well known to use necessary controls (see column 4, lines 4-21 and column 3, line 73 to column 4, line 12, respectively) in the same field of endeavor for the purpose obtaining a stress free mirror.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the electroforming process and the release process of Korte to include necessary controls commonly used and employed in the art, as taught Pichel or Jochim, in order to obtain a stress-free mirror without internal mechanical tension.

As to the limitations of attaching a supporting structure to the mirror body after releasing the mirror body from the mandrel, it is well known and would have been obvious to one of ordinary skill in the art at the time the invention was made to attach a mirror body to a supporting structure and/or a supporting structure to mirror body after releasing the mirror body from a mandrel for the purpose reinforcing and/or increasing the rigidity of the mirror body so as to mount the mirror body to a mounting structure of a telescope.

4. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Korte in view of Pichel ('533) or Jochim ('469) as applied to claims 31, 33-36 and 38 above and further in view of George et al ('944) or Vaaler ('376).

Korte in view of Pichel or Jochim discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the an internal mechanical tension is

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measured during the electroforming process using an additional electroforming sample which is electroformed in parallel or an electronic stress measurement device.

George et al and Vaaler each teach it is well known to use a stress measurement device in the same field of endeavor for the purpose monitoring and controlling the internal stress produced during the electroforming process.

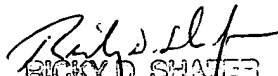
Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the electroforming apparatus of Korte in view of Pichel or Jochim to include a stress measurement device, as taught by George et al or Vaaler, in order to monitor and control the internal stress produced during the electroforming process so as to obtain an uniform stress free deposition.

5. Claims 1-13 and 37 are allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS  
March 04, 2007

  
RICKY D. SHAFER  
PATENT EXAMINER  
ART UNIT 2872